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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,387	05/15/2006	Yoshiharu Sato	2006_0728A	6422
513 7590 01/05/2009 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER LORENCE, RICHARD M				
ART UNIT 3655		PAPER NUMBER		
MAIL DATE 01/05/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/579,387

**Applicant(s)**

SATO ET AL.

**Examiner**

Richard M. Lorence

**Art Unit**

3655

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/8598)
- Paper No(s)/Mail Date 12/15/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the amendment filed on October 10, 2008. The abstract, specification and claims 1 and 3 have been amended, and claim 2 has been cancelled. Claims 1 and 3 remain pending.

Applicant's remarks in the second paragraph on page 6 of the response filed on October 10, 2008 regarding the reference to the international application have been noted and are well taken.

The replacement drawing sheet containing Fig. 1 was received on October 10, 2008 and overcomes the objections set forth in the previous Office action. The drawings are acceptable.

The substitute specification has been approved for entry and overcomes the objections to the specification set forth in the previous Office action and.

The amendments to claims 1 and 3 overcome the rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph set forth in the previous Office action.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on December 15, 2008 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,614,998 A (Houtz).

Regarding claim 1, Houtz discloses a control device (10) for an input clutch of a work vehicle (e.g. front-end loader, col. 1, lines 36-38), including an input clutch (18), a brake means (54, 56) for decelerating the work vehicle; a brake control valve (32) which operates to increase a braking force of the brake means depending on a valve position; a brake operation means (12) which is disposed to operate the brake control valve; a draining oil passage (68) which is an oil passage branched from an oil passage for supplying a pressure oil to the input clutch and communicated with a tank (66); and a pressure reducing valve (38) which is disposed in the draining oil passage and operates to increase the pressure oil flowing through the draining oil passage according to a valve position and to decrease a clutch pressure of the input clutch. The brake operation means (12) is mechanically coupled with the pressure reducing valve (38) via the linkage (14). The pressure reducing valve (38) is mechanically coupled with the brake control valve (32) through a spring (element 34, which inherently exhibits a certain degree of resiliency). One end of the spring (34) is connected to the pressure reducing valve (via link 36), and the other end of the spring is connected to the brake control valve (via projecting cam 30).

Regarding claim 3, Houtz discloses a control device (10) for an input clutch of a work vehicle (e.g. front-end loader, col. 1, lines 36-38), including an input clutch (18), a brake means (54, 56) for decelerating the work vehicle; a brake control valve (32) which operates to increase a braking force of the brake means depending on a valve position,

the brake control valve having a rod (40); a brake operation means (12) which is disposed to operate the brake control valve; a draining oil passage (68) which is an oil passage branched from an oil passage for supplying a pressure oil to the input clutch and communicated with a tank (66); a pressure reducing valve (38) which is disposed in the draining oil passage and operates to increase the pressure oil flowing through the draining oil passage according to a valve position and to decrease a clutch pressure of the input clutch, the pressure reducing valve (38) having a rod (36); and a link mechanism (14) having a link (30, 34). The rod (36) of the pressure reducing valve and the rod (30) of the brake control valve are in contact with the link (30, 34) of the link mechanism, and the brake operation means (12) is mechanically coupled with the link mechanism.

### ***Response to Arguments***

Applicant's arguments filed on October 10, 2008 have been fully considered but they are not persuasive.

Regarding claim 1, applicant first argues that the link 36 in Houtz is not coupled at one end to the brake control valve 32. This argument is believed to moot in view of the new interpretation of Houtz wherein the member 34 is considered to correspond to the claimed spring. Applicant further argues that "there is no evidence in Houtz that the link 36 inherently possesses a certain degree of resiliency". To the extent that this argument may apply to the new interpretation of Houtz, it should be noted that all materials have some elasticity, i.e. the ability to return to the original dimension after the

removal of stresses below the elastic limit of the material, dependent upon the modulus of elasticity of the particular material.

Regarding claim 3, applicant argues that the rod of the pressure reducing valve and the rod of the brake control valve are not in contact with the same link of the link mechanism. This argument is believed to moot in view of the new interpretation of Houtz wherein the members 36 and 40 are considered to correspond to the rods of the pressure reducing valve and the brake control valve, respectively, and the member 30, 34 corresponds to link of the link mechanism.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard M. Lorence/  
Primary Examiner, Art Unit 3655